

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

AARON THOMAS SCHULTZ,

Plaintiff,

-vs-

Case No. 13-CV-0880

POLICE OFFICER BAUZO-SANTIAGO, et al.,

Defendants.

DECISION AND ORDER

The plaintiff, Aaron Thomas Schultz, who was incarcerated at the Milwaukee County Jail, filed a *pro se* complaint under 42 U.S.C. § 1983, alleging that his civil rights were violated. This matter comes before the court on the plaintiff's motion for leave to proceed *in forma pauperis* and for screening of the plaintiff's complaint.

The plaintiff has been assessed and paid an initial partial filing fee of \$14.00. The Court will grant his motion for leave to proceed *in forma pauperis*.

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such

relief. 28 U.S.C. § 1915A(b).

A review of the plaintiff's complaint reveals that it does not bear the plaintiff's signature, as required by Federal Rule of Civil Procedure 11(a). Additionally, the plaintiff did not use the Court's form complaint, which is required by Civil Local Rule 9(b). The Court will provide the plaintiff with a copy of the required form and allow the plaintiff time to file an amended complaint using that form. The plaintiff is cautioned to sign the form before submitting it to the Court.

The plaintiff's amended complaint must be filed on or before **Friday, November 15, 2013**. Failure to file an amended complaint within this time period may result in dismissal of this action. The plaintiff is advised that the amended complaint must bear the docket number assigned to this case and must be labeled "Amended Complaint." The amended complaint supersedes the prior complaint and must be complete in itself without reference to the original complaint. *See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056-57 (7th Cir. 1998). In *Duda*, the appellate court emphasized that in such instances, the "prior pleading is in effect withdrawn as to all matters not restated in the amended pleading[.]" *Id.* at 1057 (citation omitted). If an amended complaint is received, it will be screened pursuant to 28 U.S.C. § 1915A.

IT IS THEREFORE ORDERED that the plaintiff motion for leave to proceed *in forma pauperis* (Docket #4) is **granted**.

IT IS FURTHER ORDERED that the Clerk of Court shall provide the

plaintiff with a copy of the Court's form § 1983 complaint.

IT IS FURTHER ORDERED that on or before **Friday, November 15, 2013**, the plaintiff shall file an amended pleading that is signed and uses the court's form § 1983 complaint.

IT IS FURTHER ORDERED that the plaintiff shall pay the \$336.00 balance of the filing fee. This payment may be made in installments. Each payment shall be clearly identified by the case name and number assigned to this action.

IT IS FURTHER ORDERED that the plaintiff shall submit all correspondence and legal material to:

Honorable Rudolph T. Randa
% Office of the Clerk
United States District Court
Eastern District of Wisconsin
362 United States Courthouse
517 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202

PLEASE DO NOT MAIL ANYTHING DIRECTLY TO THE COURT'S CHAMBERS. It will only delay the processing of the matter.

Dated at Milwaukee, Wisconsin, this 15th day of October, 2013.

SO ORDERED,


HON. RUDOLPH T. RANDA
U. S. District Judge